

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 147 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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PATEL SURENDRABHAI PANCHABHAI

Versus

STATE OF GUJARAT

Appearance:

MR TS NANAVATI for Petitioners

Mr.S.A.Pandya, Ld. Addl.PP for Respondent No. 1

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 22/07/97

ORAL JUDGEMENT

After perusing the original record and the previous statement, which has been verified, it is clear that so far as 3 petitioners, i.e. accused nos.1, 4 & 6 are concerned, there is no material except their own statements made before the police. Obviously, it is not admissible in evidence as it will be hit by Sec.25 of the Indian Evidence Act, as also Sec.162 of Cr.P.C. That is only the material and therefore, the attempt made by the complainant or the prosecuting agency to proceed further against the present petitioners accused nos.1,4 & 6 in the complaint with regard to forged currency notes arising out of Kadi Police Station FIR No.I385/94 which has resulted into Sessions Case No.238/95 of the Sessions Judge, Mehsana, cannot be permitted.

2. The result, therefore, will be that the prayer made in the petition of quashing the complaint so far as these 3 petitioners are concerned, will have to be allowed. Accordingly, it is allowed. The complaint by way of CR No.I385/94 giving rise to the aforesaid

Sessions Case relating to petitioners-accused no.1,4 & 6 is quashed and they stand discharged. Rule is made absolute accordingly. The record and proceedings are ordered to be sent back forthwith.

(N.J.Pandya,J.)